IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5388 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE A.S.DAVE

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

VASUDEV JHAMUMAL DEWNANI
Versus
OIL & NATURAL GAS CORPORATION LTD. & Others

==========

Appearance :

Mr. S.P. Hasurkar for the petitioner

Mr. Rajni H. Mehta for the respondents

==========

CORAM : HONOURABLE MR.JUSTICE A.S.DAVE

Date : 03/11/2006

ORAL JUDGMENT

1. This petition under Article 226 of the Constitution of India is filed by the petitioner with a prayer to issue a writ of mandamus or any

other appropriate writ, order or direction directing the respondents to take appropriate decision in the matter of Enquiry No.10/6/92 dated 21.9.1993 and further direction to grant retirement benefits to the petitioner after accepting the report submitted by the Enquiry Officer.

2. Affidavit-in-reply is filed by the Senior Personnel & Administrative Officer of the ONGC, wherein, preliminary objection is taken with regard to territorial jurisdiction to entertain the present petition in view of the petitioner having been posted in the Northern Regional Business Center at Jammu on 14.7.1987 till he reached superannuation on 31.3.1997. Even on merit also, allegations of the petitioner are denied. It is submitted that, since the petitioner had not applied for CPF and gratuity in the prescribed format, the said amounts remained unpaid.

3. Today, when the matter is called out for final hearing, Shri Rajini Mehta, learned counsel appearing for the respondents, produced a copy of the order dated 9.12.1998 issued by the CPF Section, ONGC, Tel Bhavan, Dehradun, by which employee's contribution towards provident fund with interest upto 30th November 1998 to the tune of Rs.4,12,999/- has already been paid. It is, further, submitted that , so far as the amount of gratuity is concerned, the concerned Authority of the ONGC at Jammu can throw light in this regard. However, he has submitted that, looking to the time-lag, the amount of gratuity might have also been paid and, if the same is not paid so far, an appropriate direction can be given to the Authority.

4. Mr. S.P. Hasurkar, learned counsel for the petitioner has submitted that, in view of the fact that the amount of CPF has already been paid by the respondents, an appropriate direction may be given to the respondents with regard to payment of gratuity, if not paid.

5. In view of the joint request made by the learned advocates appearing for both the parties, it is directed that, so far as the amount of gratuity due and payable to the petitioner is concerned, the respondents shall take appropriate steps within six weeks from the date of receipt of the order of this Court, if not paid so far.
6. With the aforesaid direction, this petition stands disposed of. Rule is discharged with no order as to costs.

(ANANT S. DAVE, J.)

(swamy)